

# Colorado Bar Association President's Message to Members

## Looking Back, Looking Forward—II

by Elizabeth A. Starrs



As I close this year as CBA President, I cannot help but have conflicting emotions. On the one hand, I have had a great time, meeting all of you from around the state and dealing with some of the bigger issues of the day. Also, because I just got the hang of the position, of the workings of the CBA, of running meetings, and of the entire role as President, it just does not seem prudent that I leave. On the other hand, it is time for me to move on, and time to turn this organization over to the capable hands of incoming President David Lytle and President-Elect Bill Walters. Before I leave, however, I want to share with you some of my thoughts.

### What I Have Learned This Year

We've been busy this year—busier than I had anticipated. I have learned or been reminded of many things, including the following:

➤ When it comes to giving, some people stop at nothing! There are so many wonderful people around this state—lawyers and nonlawyers alike—who give back to their communities in every way imaginable. I commend, respect, and admire them.

➤ Colorado has the most hard-working, intelligent, and committed lawyers in the country. And, no, I have not met all of our counterparts in other states. However, I have met so many incredibly impressive lawyers while traveling around Colorado that I am certain it just can't get any better than this.

➤ Our legal system needs us. We can get so bogged down in the daily routines of our lives that it sometimes becomes dif-

difficult to see the forest for the trees. However, we cannot ignore that our judicial system is under attack, and we must be willing to step up to the plate—wherever and whenever we can—to support it. This means:

- 1) supporting the current system of justice where appropriate;
  - 2) supporting change in our system where needed; and
  - 3) speaking up when comments on the legal system cross the line from constructive criticism to blatant attacks on the third branch of government that serve only to minimize the role it plays in the delicate balance of powers.
- Complex matters must be reduced to “sound bites” to communicate their substance. Rather than spending all of our time

bemoaning this fact, we must face it and apply this principle when necessary. It definitely takes more energy to strategize and summarize than to explain in detail.<sup>1</sup>

### What Happened This Year

There are several major events that occurred during the last twelve months. Some of these are presented below.

#### Vote No 40

You have heard about this time and time again, but it bears repeating. In championing the fight against the passage of Amendment 40, we successfully defended against a direct attack on the independence of our judiciary. We learned a lot from this experience. A critical lesson is that educating the public about the third branch of government<sup>2</sup> and the legal profession is very important. An outgrowth of this experience is the “Our Courts” program.

The brainchild of Colorado Court of Appeals Judge Russ Carparelli and U.S. District Court Judge Marcia Krieger, “Our Courts” is a joint program of the CBA and the Colorado Judicial Institute. It is a new speakers' bureau for civic, community, and business group meetings whose ultimate goal is to provide non-partisan information about the selection, evaluation, discipline,

and retention of judges, and to show how these processes ensure the accountability, fairness, and impartiality of our state and federal courts. It also will address the structure of the court system and how it operates. Speakers will be judges, attorneys, and members of the public.

“Our Courts” begins pilot presentations this summer. If you are interested in becoming involved in this program, contact Carolyn Gravit, CBA Director of Public Legal Education, at (303) 824-5301 or [cgravit@cobar.org](mailto:cgravit@cobar.org).

#### COBALT

As I write this, the inaugural class of the Colorado Bar Association Leadership Training (COBALT) program is nearing its “graduation.” In my opinion, the program has been a huge success.

In this era of unprecedented challenges to our world, our country, and our profession, we need to focus on leaders who can help guide us through these complex times. The COBALT pro-

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gram connects people to each other; introduces participants to existing leaders around the state; and discusses the “nuts-and-bolts” as well as the broader issues facing our profession. By doing this, we hope to have created new energy and excitement about leadership among Colorado lawyers.

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### **Merit Selection: Forty-Year Anniversary**

Thank you to everyone who participated in the year-long celebration of Colorado's merit selection system of choosing judges. John Baker chaired the celebration's steering committee.<sup>3</sup>

The outreach and programs developed for this anniversary celebration are being institutionalized as an ongoing educational effort. Judges have been encouraged to get out in public, shake hands, and talk to citizens about the judicial branch. John Baker is working with Judge Carparelli and Judge Krieger to include the topics of merit selection and the role of the judiciary in the “Our Courts” program, as well.

### **Colorado Youth At Risk**

I have given my support to American Bar Association (ABA) President Karen Mathis in her fervent efforts regarding our country's youth. Specifically, I appointed a new Task Force on Youth At Risk. Dianne Peterson of Loveland is chairing this Task Force; Kathleen Schoen is the CBA staff liaison. The Youth At Risk program has two primary goals:

- 1) to educate the Bar about issues concerning youth who are perceived to be “at risk” (the Task Force can enlighten attorneys on the complex, and often uphill, battle youth face just to emancipate into adulthood in a safe, productive, and successful way); and
- 2) to put together resources and training programs linking our entire membership to opportunities to get involved and help Colorado's youth make a successful transition into adulthood.

To become involved in the Youth at Risk program, please contact Dianne Peterson at (970) 667-5900 or [dpeter57@frii.com](mailto:dpeter57@frii.com). Cheryl Law is the CBA staff liaison and is available to provide program assistance: (303) 824-5333 or [claw@cobar.org](mailto:claw@cobar.org).

### **Second Season of Service/Access to Justice**

Karen Mathis also introduced the Second Season of Service initiative during her tenure as ABA President. The goal of this initiative is to address the legal needs of our community using the talents of lawyers who are leaving the full-time practice of law. Initially, I thought this would be a project for the CBA Transitions Committee. As it turns out, the initiative is an appropriate endeavor for Colorado's Access to Justice (ATJ) Commission and for those lawyers who have not committed to an exit strategy from their law practices. We hope to be able to capitalize on the experience of semi-retired lawyers and their interest in keeping involved and challenged by making it easier for them to perform *pro bono* work in their chosen field of practice. John Gleason, JoAnn Vogt, and others are working, through the ATJ Commission, toward a proposed rule change to allow inactive lawyers to provide certain *pro bono* services without having to reactivate their law licenses.

### **The Bill of Rights Committee**

This year, the Bill of Rights Committee asked the CBA to take a stand on issues it deemed of national importance. We declined to do so in many instances. However, with the education by and urging of the Bill of Rights Committee, we did speak out on *habeas corpus*. After extensive vetting through the appropriate channels,<sup>4</sup> I wrote a letter to our Senators and Congressional Representatives in Washington, D.C.<sup>5</sup> I also wrote an op-ed piece that printed in *The Denver Post*.<sup>6</sup> In this process, it became clear to me that, as a general interest bar association, we cannot and should not take sides quickly on controversial issues. However, when the issues are fundamental to our system of justice, we must have the courage to participate in the debate and take a stand where necessary.

### **Conclusion**

I cannot close without mentioning our superb staff: Chuck Turner, Executive Director; Dana Collier Smith, Assistant Executive Director; Greg Martin, Deputy Executive Director; Stacy Chesney, Director of Communications; Michael Valdez, Director of Legislative Relations; and—well, the list goes on and on, so I won't mention everyone's name here. Suffice it to say that we are so very fortunate to have such fantastic people as our Bar staff. Most states are not as lucky as we are. Thank you Chuck, Dana, Greg, Stacy, and Michael for making me look good, for not snickering when I blew it, and always, *always* being there when I needed you (which was daily).

And my sincere thanks to all of you for this opportunity and honor to serve as your President.

### **Notes**

1. Blaise Pascal (1623–62) said, “I have made this letter longer than usual only because I have not had time to make it shorter.” This quote often is misattributed to Mark Twain. See <http://www.twainquotes.com/Letters.html>.

2. Referred to as “The Least Understood Branch of Government” by the American Bar Association (and others). See <http://www.abanet.org/judind/toolkit/impartialcourts/critics.pdf>.

3. The honorary chairs of the Forty-Year Merit Selection celebration were: Bill Ritter, Jr., Governor of Colorado; Bill Owens, Former Governor of Colorado; Richard Lamm, Former Governor of Colorado; Roy Romer, Former Governor of Colorado; Mary Mullarkey, Colorado Supreme Court Chief Justice; Anthony Vollack, Former Colorado Supreme Court Chief Justice; Jim R. Carrigan, Former Colorado Supreme Court Justice and Former U.S. District Court Judge; Flodie Anderson, President of Colorado League of Women Voters; John Hickenlooper, Mayor of Denver; Wellington Webb, Former Mayor of Denver; Federico Peña, Former Mayor of Denver; Mary Ricketson, Former Dean of University of Denver Sturm College of Law; José Roberto Juárez, Jr., Dean of University of Denver Sturm College of Law; David Getches, Dean of University of Colorado Law School; and Joe Blake, President/CEO of Denver Chamber of Commerce.

4. See Starrs, “CBA President's Message to Members: Taking A Stand—The CBA and Politics,” 36 *The Colorado Lawyer* 5 (April 2007), for the procedures followed whenever we are asked to take a position on a controversial issue.

5. Starrs, “Lawyers Reconfirm Support for *Habeas Corpus*,” 36 *The Colorado Lawyer* 39 (May 2007).

6. Starrs, “Protect *Habeas Corpus*,” *The Denver Post* (April 26, 2007), available at [http://www.denverpost.com/opinion/ci\\_5759963](http://www.denverpost.com/opinion/ci_5759963). ■